

TROY LAW, PLLC

ATTORNEYS / COUNSELORS AT LAW

Tel: (718) 762-1324 troylaw@troypllc.com Fax: (718) 762-1342
41-25 Kissena Boulevard, Suite 103, Flushing, NY 11355

MEMO ENDORSED

January 13, 2020

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/17/20

Via ECF

Hon. Gabriel W. Gorenstein, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

SUBMITTED: DATE: 1/17/20
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Granted without objection

**Re: Plaintiffs' Letter Motion for Pre-Motion Conference
for Trial Style Deposition for Plaintiffs SHIQIANG GAO, GUOQIANG XU and
GUOYONG ZHU and for Withdrawal from Representation for Plaintiffs JIAN CAI and
MINGDA KE**

1:17-cv-00802-GBD-GWG *Chen et al v. Hunan Manor Enterprise, Inc. et al*

Your Honor,

This office represents the Plaintiffs in the above-referenced matter. We write to respectfully request pursuant to Local Civil Rule 37.2 a pre-motion conference for requests to (i) conduct a trial style deposition for Plaintiffs SHIQIANG GAO, GUOQIANG XU and GUOYONG ZHU and (ii) withdraw from representation for Plaintiffs JIAN CAI and MINGDA KE. Defendants respectfully defer the decision upon the trial style deposition to the Court.

Request for Trial Style Deposition for Plaintiffs GAO, XU and ZHU

On December 20, 2019, the Court ordered Plaintiffs GAO, XU and ZHU to appear for depositions on January 9, 2020 and January 10, 2020, or any other dates upon parties' mutual agreement (Dkt. No. 161). Unfortunately, the three Plaintiffs are in China and would not be able to return to the United States. For this reason, we informed Defense Counsel of the circumstances and alternatively proposed to produce the Plaintiffs through video style deposition. Regarding to this request, Defendants deferred the decision to the Court.

Courts have routinely granted parties permission to conduct deposition through videoconference. *See eg., Gao v. Umi Sushi, Inc. et al*, 1:18-cv-06439-ALC-SN (S.D.N.Y. 2018) (granting motion for a video deposition from China); *Cao et al v. Atami on 2nd Avenue, Inc. et al*, 1:15-cv-05434-PGG (S.D.N.Y. 2015) (granting motion for a video deposition to be conducted via Facetime, Skype, or a similar internet service); *Ji v. Jling Inc. et al*, 2:15-cv-04194-SIL (E.D.N.Y. 2015) (granting motion for a video deposition in plaintiff's home in China via Skype or similar platform). "Federal Rule of Civil Procedure 30(b)(4) authorizes the parties to stipulate, or the court to order, that a deposition 'be taken by telephone or other remote means.'" *Usov v. Lazar*,